

HOUSE BILL No. 1145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-5-12; IC 34-6-2-55; IC 34-30-13.

Synopsis: Civil immunity for volunteer health care providers. Specifies criteria for civil immunity from liability for certain volunteer health care providers. Requires the professional licensing agency to establish and maintain: (1) a process for the approval of locations at which volunteer health care services may be provided; and (2) a health care volunteer registry.

Effective: July 1, 2015.

Frizzell, Zent, Washburne

January 8, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1145

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-5-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 12. The agency shall establish and maintain:**
4 **(1) a process for the approval of locations at which the**
5 **provision of a health care service described in IC 34-30-13-1.2**
6 **is determined by the agency to be appropriate; and**
7 **(2) a health care volunteer registry of:**
8 **(A) persons who intend to provide a health care service as**
9 **described in IC 34-30-13-1.2; and**
10 **(B) locations approved under subdivision (1).**
11 SECTION 2. IC 34-6-2-55, AS AMENDED BY P.L.77-2012,
12 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]: Sec. 55. (a) "Health care services":
14 **(1) except as provided in subdivision (2), for purposes of**
15 **IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and**



(2) for purposes of IC 34-30-13-1.2, means only noninvasive examinations, treatments, and procedures, including the following:

(A) Routine dental services.

(B) Injections.

(C) Suturing of minor lacerations.

(D) Incisions of boils or superficial abscesses.

The term does not include performance of an abortion, including abortion by surgical means or by use of an abortion inducing drug.

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:

(A) IC 25-2.5;

(B) IC 25-10;

(C) IC 25-13;

(D) IC 25-14;

(E) IC 25-22.5;

(F) IC 25-23;

(G) IC 25-23.5;

(H) IC 25-23.6;

(I) IC 25-24;

(J) IC 25-26;

(K) IC 25-27;

(L) IC 25-27.5;

(M) IC 25-29;

(N) IC 25-33;

(O) IC 25-34.5; or

(P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

(4) any services by individuals:

(A) licensed as paramedics;

(B) certified as advanced emergency medical technicians; or

(C) certified as emergency medical technicians under IC 16-31-2;

(5) any services provided by individuals certified as emergency medical responders under IC 16-31-2; or

(6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 3. IC 34-30-13-1.2 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: **Sec. 1.2. (a) Except as provided in section 2 of this chapter, a person who meets each of the following criteria is immune from civil liability resulting from any act or omission related to the provision of a health care service:**

(1) Is licensed as any of the following:

(A) A physician under IC 25-22.5.

(B) A physician assistant under IC 25-27.5.

(C) A dentist under IC 25-14.

(D) A nurse under IC 25-23.

(E) An advanced practice nurse (as defined in IC 25-23-1-1(b)) who is licensed under IC 25-23.

(2) Provides the health care service:

(A) voluntarily;

(B) to another individual;

(C) without compensation;

(D) within the scope of the person's license described in subdivision (1); and

(E) at a location that is approved by and listed on the health care volunteer registry maintained under IC 25-1-5-12.

(3) Notifies, before providing the health care service:

(A) the individual receiving the health care service; or

(B) the person who is legally responsible for the care of the individual receiving the health care service;

that the person providing the health care service is immune from civil liability in relation to the provision of the health care service.

(4) Is listed on the health care volunteer registry maintained under IC 25-1-5-12.

(b) A sponsoring organization, owner, operator, lessor, or lessee:

(1) of a location described in subsection (a)(2)(E); and

(2) that permits a person described in subsection (a) to provide a health care service at the location as described in this section;

is immune from civil liability resulting from an act or omission related to the provision of the health care service.

SECTION 4. IC 34-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2. A person who provides health care services as described in section 1 of this chapter is not immune from civil liability if the damages resulting from the**



- 1 provision of the health care services resulted from the person's gross
- 2 negligence or willful misconduct.

